

EXHIBIT F

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CIVIL ACTION FILE NO. 2:05CV527-F

GERALD RUHNOW and
CONNIE RUHNOW,

Plaintiffs,

ORIGINAL

vs.

LANE HEARD TRUCKING, LLC, et al,

Defendants

DEPOSITION OF:

ARNOLD G. RICHARDSON

TAKEN AT THE INSTANCE:

Defendant Lane Heard Trucking

DATE:

Thursday, April 13, 2006

TIME:

Commenced at 11:06 a.m.
Concluded at 11:52 a.m.

LOCATION:

225 North Broad Street
Thomasville, Georgia

REPORTED BY:

LORI DEZELL
Registered Professional Reporter
Georgia Certified Court Reporter

VIDEOTAPED BY:

BARBARA GRAVES

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1 MS. HAMMETT: Okay. Well, we're here.

2 MR. GARRETT: I couldn't hear you either.

3 MS. HAMMETT: Can you identify yourselves when
4 you speak?

5 MR. GARRETT: Yeah. Brett Garrett. I couldn't
6 hear either.

7 MR. SPARROW: Callen Sparrow. There was about 10
8 seconds where I didn't hear anything.

9 MS. HAMMETT: Okay. I was just doing a little
10 introducing and asking him if he understood that we
11 were under oath, and he does. And I'm about to get
12 into the meat of it.

13 BY MS. HAMMETT:

14 Q All right. Let's go back for just one second.
15 You stated earlier you were traveling on Highway 231 on
16 March 7th, 2005?

17 A Right.

18 Q Correct? And did you witness an accident?

19 A Yes, I did.

20 Q All right. Can you please describe for me, and
21 actually more importantly for the jury, exactly what you
22 observed. And if you can give me as much detail as
23 possible, that would be great.

24 A Okay. I was traveling down the highway and it
25 was very, very dark. And what I was looking for I was

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1 convinced we had passed. I decided to get into the left
2 lane and find the first place I could to turn around.

3 And right after I got into the left lane of the
4 highway, my wife said, "What's that?" And I glanced over
5 and I could see on the, on the road, and it was just about
6 the time I passed it before I could even see it, and it was
7 a motorcycle laying in the road.

8 And I told her, I said, "Well, that's a
9 motorcycle." I was proceeding about 55 miles an hour.

10 So I started slowing up. And we were discussing,
11 I said, "Maybe I need to get stopped so we can see if we
12 can help somebody get that off the road."

13 About that time I looked in the rear view mirror.
14 By this time I was -- I had just slowed up. I hadn't
15 really stopped. I saw the truck headlights coming in that
16 lane. And I told my wife, I says, "Look, he's not going to
17 see that motorcycle." And about that time he hit the
18 motorcycle. By this time I had slowed almost to a complete
19 stop and I was probably a quarter of a mile down the road.

20 And I watched in the rear view mirror as the
21 truck ran over the motorcycle, drug the motorcycle, and it
22 appeared he was out of control. The motorcycle was
23 showering a lot of sparks. And before he went very far, he
24 started going towards the other side of the road. The
25 motorcycle burst into flames. And within a second, the

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1 truck then burst into flames and went on across the road.

2 I was watching this in my rear view mirror. I
3 did not see the other truck that apparently he hit, as I
4 learned later. But I did see that when he got to the other
5 side of the road, then there was another explosion of
6 apparently the other truck and a huge ball of fire and
7 flames that looked like about 50 feet high. And that's
8 what I saw.

9 Q So you -- do you remember if you were traveling
10 northbound or southbound on Highway 231?

11 A I was heading south.

12 Q Okay. Did you notice the truck behind you
13 before?

14 A No, I didn't.

15 Q Okay. But there was obviously a truck that came
16 upon this motorcycle after you and hit the motorcycle?

17 MR. GARRETT: Excuse me. I hate to interrupt.
18 This is Brett Garrett. I can't hear anything you-all
19 are asking.

20 MR. SPARROW: I missed that last question and
21 answer. This is Callen.

22 MR. GARRETT: I'm getting like a four-second
23 delay probably.

24 MR. HUNTER: And that's the same with me,
25 Jeff Hunter.

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1 MS. HAMMETT: All right. Can you hear me now?

2 MR. HUNTER: Yes.

3 MR. GARRETT: Yes.

4 MR. SPARROW: Yeah.

5 MS. HAMMETT: Let's go off the record for a
6 minute and see if we can figure this out.

7 THE VIDEOGRAPHER: Off the record.

8 (Off the record.)

9 THE VIDEOGRAPHER: Okay. We're back on the
10 record.

11 BY MS. HAMMETT:

12 Q Okay, Mr. Richardson. You said you were
13 traveling northbound or southbound on Highway 231?

14 A Southbound.

15 Q And it -- do you recall what time of night this
16 was?

17 A It was -- I don't know the exact time but it was
18 very dark. It was well after dark.

19 Q And do you remember if there were overhead lights
20 on Highway 231?

21 A There were none in the -- in this area.

22 Q Okay.

23 A Because it was very, very dark.

24 Q Okay. And is it your testimony that you did not
25 see the motorcycle until you were passing it?

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1 A That's correct. It was very dark and you could
2 not see it. The motorcycle apparently was a black or a
3 very dark color. And I only saw it when I was just close
4 enough that the lights kind of caught it. Probably 20,
5 30 feet at the most in front of me.

6 Q And so were you in the right lane or the left
7 lane?

8 A I was in the left lane at that point.

9 Q And the motorcycle was lying in the right-hand
10 lane?

11 A It was laying in the right-hand lane almost to
12 the center, almost to the center line.

13 Q Do you know why the motorcycle was lying in the
14 road?

15 A No, I don't. I didn't at the time. A policeman
16 told me later that he had had an accident, run into a car,
17 but I didn't see that at all.

18 Q Did you observe anyone around the motorcycle?

19 A As I passed, I caught in the corner of my eye, it
20 looked like two figures moving towards the side of the road
21 probably ten feet from the motorcycle. But it was just a
22 glimpse. And I think there were two figures there, but
23 that's as much as I could tell.

24 Q So it was your testimony, I believe, and correct
25 me if I'm wrong, that you had just gotten into the

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1 left-hand lane?

2 A Correct.

3 Q Prior to passing the motorcycle?

4 A That's right.

5 Q And why had you changed lanes?

6 A Because I was getting ready to turn around. We
7 were looking for the Wal-Mart and we had obviously passed
8 it. And we decided we had gone too far and decided we had
9 passed it. So I got into the left lane so that I could
10 turn left the next place I could see.

11 Q So you didn't get into the left-hand lane to
12 avoid the motorcycle?

13 A No. I was in the left lane probably a half mile
14 or more before we got to that point, thank goodness.

15 Q So once you passed the motorcycle, is it your
16 testimony that you observed then headlights coming from a
17 truck towards the motorcycle?

18 A Not immediately, but I started slowing down and
19 was at -- and I mentioned to my wife that maybe we should
20 stop and see if we could help -- if -- get that motorcycle
21 out of the road because nobody can see it. And anybody in
22 the right lane would undoubtedly hit it.

23 And I was slowing down, just gradually slowing.
24 I didn't slow real quickly. So by the time I looked in the
25 rear view mirror and saw the truck, I -- as I say, I was

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1 probably close to a quarter of a mile down the road.

2 Q Do you remember anything about the truck? Could
3 you see what color it was or anything like that?

4 A No.

5 Q Do you know how fast the truck was going?

6 A I have no way to know or -- no, I don't.

7 Q Can you -- and just -- we've kind of had some
8 interruptions. Can you tell me one more time about what
9 happened with the truck hitting the motorcycle. Just
10 describe that for me one more time.

11 A Okay. I was look -- watching this in my rear
12 view mirror, and I could see the truck hit the motorcycle.
13 And the reason I know it did, the motorcycle started
14 spewing sparks because the truck was obviously dragging it.
15 And it drug it and the truck started towards the left side.
16 And within just a second or two, the motorcycle burst into
17 flames. And then within a second or so later, the truck
18 burst into flames. By this time it was about halfway over
19 towards the other side of the road.

20 Q So you observed then the truck hit the motorcycle
21 and then started veering into southbound traffic?

22 A Yes.

23 MR. SPARROW: Hello?

24 MS. HAMMETT: Is everyone there?

25 MR. SPARROW: Yeah. Callen -- this is Callen.

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1 A No.

2 Q So how did you come to make a statement to the
3 police then?

4 A The next morning I saw the news item and it said
5 that a truck had hit another truck. And I told my wife --
6 there was no mention of the motorcycle, and surely there
7 were other witnesses that knew that the truck had hit the
8 motorcycle, which was in my opinion what caused the wreck.
9 And I felt like I needed to go let them know that I did at
10 least witness that much. And that's why I went to them and
11 gave the report.

12 Q If -- if you had been traveling in the right lane
13 instead of the left lane, do you think you would have hit
14 the truck?

15 A Absolutely. The motorcycle.

16 Q I mean the motorcycle, yeah.

17 A Oh, yeah. There's no way that you can see that
18 far enough ahead to stop.

19 MR. GARRETT: You-all, I'm sorry, I didn't hear
20 the last question at all. It was breaking up again.
21 Would you repeat that last question?

22 MR. SPARROW: I didn't hear the question either.

23 MS. HAMMETT: Can you all identify yourselves for
24 the court reporter?

25 MR. GARRETT: This is Brett Garrett. I did not

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1 hear maybe the last two. There was a real long pause
2 there where there was just static, and I heard you
3 break in with your response about halfway through. I
4 don't know what was said. I'm sorry.

5 MS. HAMMETT: That's okay. Why don't -- can --
6 let's just have the court reporter read it back and
7 then you can hear it.

8 (Requested portion read by reporter.)

9 MR. SPARROW: I also couldn't hear the question,
10 and I'm entering an objection to the question.

11 MS. HAMMETT: Are we under -- we're under usual
12 stipulations here, right, guys?

13 MR. SPARROW: We are, but I still need to object
14 and I never -- I didn't hear the question.

15 MS. HAMMETT: Yeah, I understand. I'm not trying
16 to -- you can have your objection. I just -- we
17 didn't say that in the beginning. I just wanted to
18 make it clear.

19 Okay. Does anybody else have questions for him?
20 I'm going to look over my notes really quick.

21 MR. GARRETT: Well, I didn't -- did we ever -- I
22 didn't hear anything read back. I don't know what was
23 the last -- this is Brett. I didn't hear the
24 questions read back by the court reporter nor his
25 answer. I'm sorry.

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1 been made an exhibit to your deposition, it says you were
2 in the right-hand lane. You were in the left-hand lane
3 though really, weren't you?

4 A Yes, that's correct. I -- I skipped over that
5 when I just reread it. But that is correct, that was -- I
6 put that down incorrectly.

7 Q Okay. I mean, I understand that you earlier had
8 been in the right-hand lane but you testified you were in
9 the left-hand lane for about a half a mile before you got
10 to the motorcycle; right?

11 A Yes, that's correct.

12 Q And also -- and I don't want to beat a dead
13 horse -- but in this statement you say you saw it ten feet
14 before you got to it. We kind of walked around that and
15 you now -- you now feel like it was probably closer to 20
16 to 30 feet?

17 A At the very most. I know it was very, very
18 quickly that I saw it and I was past it. And I know that
19 if I had been in the right lane, there is no way I could
20 have avoided hitting it at still pretty high speeds of
21 rate. I would not have been able --

22 Q And finally -- and again, nobody -- I understand
23 you weren't out there with a tape measure -- but this
24 statement says the truck was about 100 yards behind you.
25 And we now have discussed on numerous occasions that you